

IN RE APPLICATION OF) No. 1:22-MC-756
PENNLIVE, YORK DAILY)
RECORD, AND YORK DISPATCH) (Magistrate Judge Schwab)
TO UNSEAL COURT RECORDS) (*Ex Parte* and Under Seal)
)

The United States of America hereby notifies the Court that, in accordance with the Court's Order issued orally on October 12, 2023, the United States respectfully submits proposed redactions to the following documents: the docket sheet from *In re Sealed Search Warrant*, No. 22-mc-602 (M.D. Pa.), attached hereto as Exhibit A; and the search and seizure warrant issued in that matter, attached hereto as Exhibit B. The government does not object to the unsealing of these two documents with the proposed redactions applied. The government further submits that the sealing order issued in *In re Sealed Search Warrant*, No. 22-mc-602, ECF No. 1 (M.D. Pa. Aug. 2, 2022), may be unsealed with no redactions, and that a redacted version of this Notice, attached hereto as Exhibit C, may also be filed on the public docket.

The redactions proposed to the docket sheet are necessary to comply with Federal Rule of Civil Procedure 5.2 and Local Rule 5.2, which require redaction of individuals' birth dates, *see* Fed. R. Civ. P. 5.2(a); LR 5.2(d), and to conceal the name and contact information of an Assistant U.S. Attorney from the Middle District of Pennsylvania U.S. Attorney's Office who has not been publicly identified in connection with this investigation, *see In re Sealed Search Warrant*, 622 F. Supp. 3d 1257, 1260 (S.D. Fla. 2022) (finding redactions to personally identifying information about an Assistant U.S. Attorney "appropriate to protect the identity and personal safety of the prosecutor").

The redactions proposed to the search and seizure warrant issued are necessary to comply with Rule 5.2; to conceal other personally identifying information, such as cell phone numbers; and to protect from disclosure information that, if unsealed, would reveal confidential facts about the government's ongoing investigation¹ and disclose law

¹ On August 1, 2023, an indictment was unsealed charging former President Trump with four felonies arising from his alleged attempts to overturn the results of the 2020 presidential election. *See United States v. Trump*, 23-cr-257, ECF No. 1 (D.D.C.) (filed Aug. 1, 2023). In announcing the charges against Trump, Special Counsel Jack Smith publicly stated that the "investigation of other individuals continues."

enforcement methods and techniques in a manner that could harm this and future investigations. *See In re L.A. Times Commc'ns LLC*, 628 F. Supp. 3d 55, 67 (D.D.C. 2022) (preserving “the confidentiality of the government’s investigative techniques” was a compelling interest warranting continued sealing). For example, text that the government proposes redacting from attachments A-1 and B-1 to the warrant details specific methods and techniques law enforcement personnel use to execute searches. Proposed redacted text in attachment B-2 to the warrant includes the same type of information and also sets forth the precise information that the government sought [REDACTED]. That fact has not been disclosed by the government or made public in judicial opinions released in the District of Columbia.

For these reasons, the government respectfully requests that the Court unseal versions of the docket sheet and the search and seizure warrant issued attached as Exhibits A and B with the government’s proposed redactions applied. The government also consents to the

Special Counsel Jack Smith Delivers Statement, U.S. Dep’t of Justice (Aug. 1, 2023), <https://perma.cc/MJ5V-AVJ6>.

release of the sealing order, *see In re Sealed Search Warrant*, No. 22-mc-602, ECF No. 1 (M.D. Pa. Aug. 2, 2022), with no redactions, and to the release of Exhibit C—a version of this Notice with one redaction to conceal non-public information about the ongoing investigation.

Should the Court disagree with any of the government's proposed redactions, the government respectfully requests that the Court enter any order requiring release of a less-redacted version of these documents *ex parte* and under seal to permit the government to raise objections with the District Court before the disclosure of any non-public information.

Dated: October 18, 2023

Respectfully submitted,

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